

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**CNH INDUSTRIAL CAPITAL
AMERICA, LLC**

PLAINTIFF

V.

NO. 4:17-CV-55-DMB-JMV

**T & P FARMS, LLC and
MICHAEL J. MASSEY, JR.**

DEFENDANTS

ORDER

On March 28, 2018, CNH Industrial Capital America, LLC filed a “Joint Motion for Entry of Final Consent Judgment.” Doc. #25. The motion asks the Court to enter the proposed consent judgment attached to the motion as an exhibit and e-mailed to the Court. *See* Doc. #25 at 5–12.

Generally, before entering a consent judgment, also called a consent decree, courts must decide whether it represents a reasonable factual and legal determination based on the facts of record, whether established by evidence, affidavit, or stipulation. Courts must also ascertain that the settlement is fair and that it does not violate the Constitution, statutes, or jurisprudence. In assessing the propriety of giving judicial imprimatur to the consent decree, the court must also consider the nature of the litigation and the purposes to be served by the decree.

Jones v. Gusman, 296 F.R.D. 416, 428–29 (E.D. La. 2013) (internal citations and quotation marks omitted) (citing *Williams v. City of New Orleans*, 729 F.2d 1554, 1559 (5th Cir. 1984), and *United States v. City of Miami*, 664 F.2d 435, 441 (5th Cir. 1981)).

The Court has reviewed the proposed consent judgment, which grants (1) a monetary judgment in favor of CNH against T & P Farms and Michael J. Massey, Jr., jointly and severally, and (2) CNH immediate possession of the Case IH Tractor 4WD Model No. STX580 (S/N ZEF300549); the John Deere Tractor 4WD Model No. 9630 (S/N RW9630P013151); and the John Deere Pull Scraper Model No. 2112E (S/N T82112E080403). Doc. #25 at 7–8. The Court believes the judgment represents a fair and reasonable factual and legal determination based on the facts of

record. The Court also concludes that the proposed consent judgment does not violate the Constitution, statutes, or jurisprudence. Finally, the proposed consent judgment is consistent with the nature of this litigation, which is an action for replevin and monetary relief. Accordingly, the joint motion for entry of final consent judgment [25] is **GRANTED**. A judgment consistent with the parties' proposed consent judgment will be entered by the Court.

SO ORDERED, this 30th day of May, 2018.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE